



**TERMINAL DISCLAIMER TO OBVIATE A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

MAC-7000P1

In re Application of: **George H. Clark et al.**

Application No.: **10/004,149**

Filed: **October 31, 2001**

For: **Carbonated Fortified Milk-Based Beverage and Method for Suppressing Bacterial Formation in the Beverage**

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In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later: expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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June 1, 2004

Signature

Date

Mark D. Lorusso, Reg. No. 41,955

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